

Application Number 	Application/Control No. 09/768,748	Applicant(s)/Patent under Reexamination SHARMA ET AL.
Document Code - DISQ		Internal Document – DO NOT MAIL

TERMINAL DISCLAIMER	<input checked="" type="checkbox"/> APPROVED	<input type="checkbox"/> DISAPPROVED
Date Filed : August 29, 2005	This patent is subject to a Terminal Disclaimer	

Approved/Disapproved by:

Henry D. Jefferson

T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT

DATE: 29-Aug-05
TO: EXAMINER TON, DANG T.
FROM: Jefferson, Henry
PARALEGAL SPECIALIST

APPL. S.N.: 09/768,748
ART UNIT: 2666

RETURN THIS MEMO TO:

Case Drop-Off Locatc
JEF-2D68

SUBJECT: Decision on Terminal Disclaimer (T.D.) filed: 18-Aug-05

INSTRUCTIONS: I have reviewed the submitted T.D. with the results as set forth below. If you agree, please use the appropriate form paragraphs identified by this informal memo in your next Office action to notify applicant of the T.D. If you disagree or have any questions, please see me or the Special Program Examiner. THIS IS AN INFORMAL, INTERNAL MEMO ONLY. IT MUST NOT BE (1) MAILED TO APPLICANT OR (2) PLACED OF RECORD IN THE APPLICATION FILE. When your action is complete, please initial, date and return this memo to me. THANK YOU.

The T.D. is PROPER and has been recorded (see ¶14.23).

The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below (see ¶ 14.24):

- The TD fee of has not been submitted nor is there any authorization in the application file for the use of a deposit account (see ¶ 14.26.07).
- The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see ¶¶ 14.26 & 14.26.01).
- The T.D. lacks the enforceable only during common ownership clause – needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see ¶ 14.27.01).
- The T.D. is directed to a particular claim(s), which is not acceptable since “the disclaimer must be for a terminal portion of the term of the entire patent to be granted” (MPEP 1490) (see ¶¶ 14.26 & 14.26.02).
- The person who signed the T.D.:
 - is not an attorney “of record” (see ¶¶ 14.29 and 14.29.01).
 - has failed to state his/her capacity to sign for the business entity (see ¶ 14.28).
 - is not recognized as an officer of the assignee (see ¶¶ 14.29 & possible 14.29.02).
- No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and frame number may be found in the T.D. or in a separate paper of record in the application (see ¶ 14.30).
- The T.D. is not signed (see ¶¶ 14.26 & 14.26.03).
- The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see ¶ 14.32).
- The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed) is missing or incorrect (see ¶¶ 14.26, 14.27.02 or 14.26.05).
- The period disclaimed is incorrect or not specified (see ¶¶ 14.26, 14.27.02 or 14.26.03).
- Other:
- Suggestion to request refund (see ¶ 14.36). NOTE: If already authorized, credit refund to deposit account and do not check this item.

I have appropriately notified applicant(s) of the status of the Terminal Disclaimer filed in this case.

Ex. Initials: _____ Date: _____

Log Date:

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AUG 18 2005

PATENT

Docket No. 285.00210101

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): SHARMA et al.) Group Art Unit: 2666
Serial No.: 09/768,748) Examiner: TON, Dang T.
Confirmation No.: 3864)
Filed: January 24, 2001)
For: COMPUTER-BASED MULTI-MEDIA COMMUNICATIONS SYSTEM AND
METHOD

TERMINAL DISCLAIMER

**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

Sir:

Multi-Tech Systems, Inc. is the owner of 100 percent interest in the instant application, as evidenced by an assignment recorded at Reel 7043, Frame 0418 on July 30, 1993, and is the owner of 100 percent interest in U.S. Patent No. 5,452,289, as evidenced by an assignment recorded at Reel 7043, Frame 0418 on July 30, 1993.

The owner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§154 to 156 and 173 as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 5,452,289, issued September 19, 1995. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that the patent later: (1) expires for failure to pay a maintenance fee, (2) is held unenforceable, (3) is found invalid by a court of competent

PAGE 3/35 * RCVD AT 8/18/2005 11:07:24 AM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/24 * DNS:2738300 * CSID:6123051228 * DURATION (mm:ss):08-14

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Terminal Disclaimer

Applicant(s): SHARMA et al.

Serial No.: 09/768,748

Confirmation No.: 3864

Filed: January 24, 2001

For: COMPUTER-BASED MULTI-MEDIA COMMUNICATIONS SYSTEM AND METHOD

jurisdiction, (4) is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, (5) has all claims canceled by a reexamination certificate, (6) is reissued, or (7) is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney of record as evidenced by the Power of Attorney dated January 15, 2001.

FEE STATUS

Please charge the required fee of \$130 under 37 C.F.R. §1.20(d), and charge any additional, fees or credit any overpayment, to Deposit Account No. 13-4895. Please contact Applicants' Representative at the below-listed telephone number with any questions.

CERTIFICATE UNDER 37 C.F.R. 1.8:

The undersigned hereby certifies that this paper is being transmitted by facsimile in accordance with 37 CFR §1.6(d) to the Patent and Trademark Office, addressed to Commissioner for Patents, Mail Stop Amendment, P.O. Box 1450, Alexandria, VA 22313-1450, on this 18 day of August, 2005, at 10:08 AM (Central Time).

Name: Sandy Truehart
Sandy Truehart

Date

MJG/sjt

18 Aug 2005

Respectfully submitted for

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